



STATE REPRESENTATIVE

DON PRIDEMORE

ELECTION AND CAMPAIGN REFORM COMMITTEE

AB 170

June 9, 2011

Dear Chairman Tauchen and Members of the Election and Campaign Reform Committee:

Thank you for hearing today's testimony on AB170, which will create a Task Force on the election process.

The events of the 2011 elections up to now and those that remain have been unprecedented in Wisconsin history. The recent combination of the State Elections and Ethics Boards will have had a chance to operate for one session. The aging of Wisconsin voting machines and the advent of the Photo ID requirements have all come together in a short time period to provide for and to create an opportunity to evaluate what we have done right and what may need improvement.

The intent of the Task Force will be to use the experiences of the recall and special elections, as well as recent elections, to make recommendations to the standing legislative election committees. With the advent of new software and database packages available to ensure the integrity of the statewide voter list, while taking full advantage of increased computer speed and processing capabilities now and into the future, Wisconsin should be ready to utilize all these new technologies to improve the voting process. In addition, the recent combining of the State Elections and the Ethics Boards into the Government Accountability Board will also be reviewed by the Task Force. As the third major endeavor, the Task Force will be charged with writing a specification to allow any electronics manufacturer to bid on supplying a final hard wired assembly that will replace the existing electronic assemblies in all the currently used voting machines in Wisconsin. Use of modern technologies will emphasize low cost and retrofit ability and will be a key strategy for the specification. Capabilities for a modem output, ballot neutrality, hardware security using the latest shielding techniques and taking advantage of the technologies that the Real ID card offers will be considered.

Thank you again for considering AB170 and I would be more than happy to answer any questions you may have.

Thank you,

State Rep. Don Pridemore

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June 8, 2011

Regarding the Public Hearing on creating a task force on elections

Good morning Representatives,

On behalf of WMCA and municipal clerks in the State of Wisconsin I would like to express some concerns our members have with the proposed bill that will create a task force on elections process and election technology.

Currently, the State Statutes provides for an Election Administration Counsel. The Counsel is comprised of staff from GAB, municipal and county clerks, as well as special interest groups. This group works on election administration and certifies election equipment. This proposed bill appears to be an overlap of the responsibilities of that committee.

Of concern for the members of our association are the member composition on the proposed task force. Why is no representation for the individuals that administer the elections and work with the equipment? We would strongly request that there be representation and input from municipal and county clerks as well as GAB staff on this task force.

A valid reason for having municipal and/or county clerk representation on the task force is that of practical, in-the-trenches experience in election operations. The members that are being proposed have no such real-life experiences on which to draw to study and make their recommendations. Clerks can point to issues (good and bad) created and/or exacerbated by the voter and with their own experiences. The task force will need clerk input if they expect to present valid observations and recommendations

Evaluating polling place registration on Election Day needs the input provided by municipal clerks which can be invaluable, so far as providing data for the task force. If information is needed about the cost of adding extra registrars on Election Day, for example, we can provide that. If they want raw numbers of registrants, we (or the GAB) can provide that. Clerks can again weigh in on the challenges (or not) created by the voter ID requirement in terms of Election Day registration. We provide facts, not hearsay information.

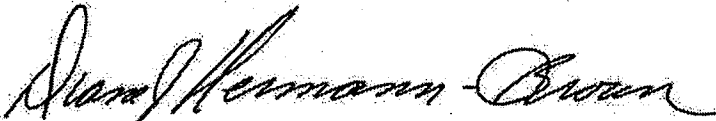
Will there be any background or experience to evaluate the equipment. Again, there is currently a mechanism in place for doing this with representation from GAB, clerks and special interest groups. This group needs to be involved with this task force inasmuch as they have been involved in equipment certification and selection in the past.

GAB has created various Focus Groups to analyze election administration. These groups are made up of clerks who have been of tremendous assistance in evaluating election administration challenges. Why is the Legislature repeating what is already working and a benefit for municipalities?

Given the recent events experienced with election administration and the recounts, I'm sure we saw the issues and challenges clerks and municipalities face. Why would you want people who have no knowledge of election administration evaluating these challenges and problems?

We strongly urge the Legislature to reevaluate these Bills, and allow the GAB, Election Officials, State, County and Municipal to be part of this process.

On behalf of the WMCA Election Communication Committee, I would ask and thank you for your time in reviewing this item.



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To: Assembly Committee on Election and Campaign Reform

Date: June 9, 2011

From: Paul Malischke

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Subject: Task force on Election Best Practices

AB-170 proposes an election task force. The proposal has three flaws.

1) Membership is unbalanced. It ignores such groups as voters, pollworkers, and local and state election officials and administrators.

2) It lacks an adequate mission statement or goals by which to evaluate effectiveness.

3) The task list ignores significant current issues.

Please consider these specifications as a basis for a substitute amendment for forming an elections task force.

Membership

Eleven to thirteen members shall be appointed by the Joint Legislative Council, and shall include

- The chairperson and ranking minority member (or designees) of the assembly and senate committees whose jurisdiction includes the election laws. (4 members)
- The Attorney General or designee. (1 member)
- Three to four election officials or election administrators. (3 to 4 members)
- Three to four citizen members whose primary election interest is voting, or are local elected officeholders, all with working knowledge or experience in either voter registration, voting technology, computer security, polling place activities, election litigation, or political science. (3 to 4 members)

The chair of the senate elections committee, or designee, shall act as chair of the task force; and the chair of the assembly elections committee shall act as vice-chair of the task force.

Mission *(adapted from a 2008 Maryland task force)*

The mission of the task force shall be to evaluate recent election events and draw from these events solutions and recommendations to assure that future Wisconsin elections will:

- Both engage and accommodate full participation of the Wisconsin electorate;

- ❑ Assure a reliable and accurate representation of the public will, embodied by the vote;
- ❑ Fairly provide all legally eligible residents of Wisconsin the benefit of democratic participation in their government; and
- ❑ Preclude abuses of the process that may cloud or undermine the legitimacy of the election's outcome.

Tasks

The task force shall evaluate and offer recommendations concerning these specific items:

- ❑ Election night reporting of results.
- ❑ Security of voted and unused ballots and voting systems.
- ❑ The implementation of 2011 Act 23.
- ❑ The next generation of electronic voting system technology.
- ❑ Use of electronic voter registration to achieve cost savings and improve accuracy, and facilitate HAVA checks. (See <http://tinyurl.com/OLVRWI>)
- ❑ Improving and guaranteeing the accuracy of automated tabulators, by evaluating pre-election testing, and post-election audits of the vote count via hand counts.
- ❑ Improving the recount process. The Legislative Audit Bureau shall conduct a review of the minutes of the Supreme Court recount and report to the task force.

The task force shall conduct at least two public hearings. The joint legislative council shall provide staff services to the task force. The task force shall report by December 31, 2012.

June 9, 2011

Comments to Assembly Elections and Campaign Finance Committee

AB 169
LRB 11-2195/1: I would encourage support for this bill to expand the pool of potential voters to be nominated as poll workers. Wisconsin law requires that the two majority political parties accept the responsibility to nominate poll workers to conduct our elections. By expanding the potential pool to the county level, both the Democratic and Republican parties should be able to recruit a larger number of qualified nominees to fulfill this civic responsibility. There are many clerks who would appreciate this change as they have difficulty recruiting enough poll workers.

AB 170
LRB 11-2196/1: I support the creation of a legislative Task Force as suggested by this bill. It is my opinion that those of you elected to represent us, the voters, have the responsibility to provide direct oversight regarding changes to both the laws governing the process of Wisconsin elections and the implementation and administration of those laws. A focused Task Force can enable the standing election committees to get out in front of the issues and initiatives affecting our elections brought before their committees.

For the past 2 ½ years, I have attended and commented as a citizen and voter during GAB meetings and at most legislative hearings on proposed changes to Wisconsin election laws. I have often wondered if my elected representatives were following the GAB's implementation of election law and the new technical initiatives being considered by GAB to administer our election process.

One of my earliest concerns regarding legislative oversight was GAB's development and use of the State Voter Registration System. (The SVRS.) This multi-million dollar computer system was purchased with tax dollars. According to the HAVA law, which was the foundation of the SVRS, the SVRS was to be an official statewide list of legally registered voters. HAVA checks were to be done on all voter registrations to provide verification and data-based matching of the information on the voter registration form. After several of the judges on the GAB board failed their HAVA check due to a "non match" of their registration information, GAB initiated a ruling that if a registration failed a HAVA check due to a "non match" that would not be criteria for removal of that registration from the SVRS list. Was that what the State had defined as the purpose of this multi-million dollar piece of equipment? Was the SVRS just a list of the names of people who had registered to vote and it did not matter whether or not their registration information "matched" the HAVA Check?

Currently, there are two extensions of potential use for the SVRS being proposed: 1.) GAB has developed and is ready to implement an on-line voter registration application program that uses a "pending" status for registrations until the HAVA check has been completed. Has that "pending" status always been available on the SVRS? Why is that status not used for HAVA "non Matches" until the registration information is verified and a match is accomplished?

2.) A bill (LRB 0064/2) currently being proposed by Reps. Berceau and Kessler would create an on-line voter registration process that, according to the co-sponsorship memo, will require "instant verification of information submitted before the application is completed"----A REAL-TIME HAVA CHECK! Can

"instant" or "real-time" HAVA checks (verification) be done now on all new registrations? Could this be used for Same-Day Voter Registrations?

Are there other applications currently available within the SVRS that could be used to protect the security of the voter registration process? The proposed Task Force could finally determine exactly what the SVRS system is capable of and what the State wants it to be able to do. The Task Force could evaluate what additional software and data base packages could be used to enhance and improve the use of the SVRS.

Another job for the Task Force: Wisconsin voting machines are 10-12 years old. Spare parts have become difficult to find. Looking ahead, the Task Force could play an active role in evaluating next generation voting machines and could pro-actively evaluate voting equipment to be considered for purchased by local taxpayers as voting machines require replacement.

Another big job for the Task Force could involve the implementation of Voter ID and other recent changes to Wisconsin election law. The Government Accountability Board has been given the job of implementing the new laws, educating the voters about the new Voter ID provisions and reaching out to those in need of the necessary Voter IDs. The GAB basically needs to make the new laws work for the voters and for those who run our elections, our clerks. The Task Force could work with the GAB to see that the laws do indeed work by evaluating the implementation of Voter ID and the development of the education and PR programs so necessary for the success of the new laws. To enact legislation is one part of the process but to implement the law is a very important second part of the process. We, the voters need you, our elected representatives, to be sure that the implementation process works to ensure the success of the law.

A legislative Task Force, working on a regular basis with the state agency given the responsibility to administer Wisconsin's elections is long overdue. I urge you to establish that Task Force by supporting this legislation.

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June 9, 2011

To: Assembly Committee on Election and Campaign Reform

Re: LRB-2196/1 Elections Process and Election Technology Task Force

Thank you for this opportunity to comment on the proposal to create a task force on the elections process and election technology. The League of Women Voters nationwide believes elections should be secure, accurate, recountable, accessible and transparent. We also believe elections should be accountable and efficiently administered. Although we opposed the new voter identification requirements, we appreciate that this proposal seeks to assess the process and develop recommendations for improvements.

That said, we have a number of questions and concerns about the proposal:

1. The LRB states the task force shall consist of 11 members, including: 3 each from the Assembly and Senate election committees, 2 members "who have expertise in electronic voting system technology," and apparently 2 or 3 representing the governor and attorney general, although this is not immediately clear. We recommend clarifying the language. We also recommend including task force members who represent voters, and the League would be happy to provide such a representative.
2. The task force members with expertise in electronic voting system technology should be independent, non-industry representatives who do not stand to benefit from the selection of a particular system.
3. The legislation does not specify that any election officials be included. Surely the task force needs the expertise of at least one state election official and one local election official, as these individuals can contribute the perspective of hands-on experience in running elections that no one else can provide.
4. The task force needs reliable information on which to base its recommendations. Its work should include a systematic evaluation of the February and April 2012 elections. In addition the bill should specify that the task force will hold at least two public hearings before making recommendations.
5. The legislation directs the task force to evaluate how the voter ID requirements affect the elections process and to make recommendations for changes in the process, including election day registration (EDR). Election day registration is popular with Wisconsin voters and has had virtually no problems over the years. If the task force finds that the new ID requirements interfere with EDR and cannot document any improvement in election integrity, we hope the recommendation will be to eliminate the ID requirements, not election day registration.
6. It does not make sense to create a new task force to study and recommend the next generation of electronic voting system technology for the state when we already have the nonpartisan Government Accountability Board, which works closely with local election officials and advocates for the disabled. This seems like a duplication of government effort that can only be explained by partisanship.
7. Currently Wisconsin only allows the use of electronic voting machines that are certified at the national level. Do the authors of this legislation think the state should break with this practice, if it is allowed to? If so, how would this help ensure trust in our elections?
8. The legislation directs the task force to report its recommendations no later than November 1, 2012. That is too close to a major election. News of the report is likely to cause confusion for voters and impair the open and orderly election process for which Wisconsin is known.

Thank you for your consideration of our concerns and suggestions for this task force.



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**Wisconsin Democracy Campaign testimony to Assembly Committee on
Election and Campaign Reform regarding LRB 11-2196/1 relating to
creation of a task force on the elections process and election technology**

June 9, 2011

The Wisconsin Democracy Campaign opposes LRB 11-2196/1. The responsibility for elections administration and enforcement rests with the independent Government Accountability Board and that should remain the case. The language of this draft is overly vague, but its thrust would move Wisconsin in the wrong direction -- away from election administration overseen by an independent agency.

We ask that the committee not approve this proposal and instead simply seek to establish comparable review by the existing state authority on elections, the Government Accountability Board.

To: Rep. Tauchen and Election Committee
From: Ardis Cerny
Date: June 9, 2011

RE: WISCONSIN ELECTION TASK FORCE

This is what the "Vote Indiana Team" (VIT), created by the Indiana legislature, did to address election reform and be compatible with the HAVA requirements.

These were the specific goals of the 28 person committee:

- a) Accurate list of citizens qualified to vote
- b) Encourage every eligible voter to participate
- c) Use of reliable equipment
- d) Conduct elections in a fair way
- e) Operate with equal effectiveness for every citizen and community
- f) Reflects limited federal participation

This group was divided into 5 sub-committees each with a specific mission to address:

- 1) State-wide voter registration list
- 2) Voter equipment
- 3) Election administration
- 4) Training and education
- 5) Accessibility

The Pridemore Bill addresses points 1 and 2 but what about the other three?

RE: POLL WORKER RESIDENCY ISSUE

There are a number of reasons as to why we need to allow municipal clerks to recruit poll workers from their counties and not limit them to their municipalities:

- 1) Many clerks have a habitual problem of recruiting enough poll workers, this is not just in large urban areas but I have also heard about problems in smaller communities.
- 2) Some of the poll workers they hire are not qualified; I mean they do not know the alphabet.
- 3) The state-wide army of poll workers is aging; I have heard that the average age is 72.
- 4) As our elections are becoming more computerized, we need poll workers that will be able to understand the new technology.
- 5) As in other states, training of poll workers will be computerized. When this happens will we have a mass exodus of our older poll workers? As these citizens have been reliable for so many years, municipal clerks don't have the heart to replace them. But if faced with a computer they may opt out by themselves and then we will find ourselves in a real shortage.

Please legislators, be proactive!!! Let's open the door to municipal clerks to recruit from the county and get more citizens involved, educated, and ready to man our polling places when technology becomes a bigger issue.